

02-24-04

RCE
1645

PTO/SB/30 (05-03)

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**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/393,590
<i>Filing Date</i>	September 9, 1999
<i>First Named Inventor</i>	Moyer, Elizabeth
<i>Art Unit</i>	1645
<i>Examiner Name</i>	S. Devi
<i>Attorney Docket No.</i>	00211-US-NEW

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MAR 01 2004

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS) & Refs.

ii. Affidavit(s)/Declaration(s) iv. Other Return postcard, Petition for 4-month Extension of Time, Fee Transmittal

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-2707

i. RCE fee required under 37 CFR 1.17(e) (\$770)

ii. Extension of time fee (37 CFR 1.136 and 1.17) (\$1,480)

iii. Other Information Disclosure Statement under 37 CFR 1.17(p) (\$180)

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

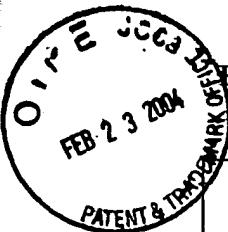
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Leslie J. Boley	Registration No. (Attorney/Agent)	41,490
Signature	<u>Leslie J. Boley</u>	Date	2/23/04

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Label No. EV222673446 US in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Dated: February 23, 2004

Signature: Leslie J. Boley



Practitioner's Docket No. 00211-US-NEW

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Date: 2/23/04

By: Leslie J. Boley
Leslie J. Boley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)
MOYER, Elizabeth, et al.)
Application No.: 09/393,590) Group No.: 1645
Filed: 09/09/99) Examiner: S. Devi
For: STABLE LIQUID FORMULATIONS OF)
BOTULINUM TOXIN)

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

**REQUEST FOR CONTINUED EXAMINATION AND
SUBMISSION PURSUANT TO 37 C.F.R. § 1.114**

Dear Sir:

This is a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. A Final Office Action was mailed on February 26, 2003. A Notice of Appeal was timely filed on August 22, 2003. Accordingly, prosecution in this application is closed and this Request is proper under 37 C.F.R. § 1.114(a) and (b). This submission is accompanied by the \$1480.00 fee under 37 C.F.R. § 1.17(a)(4) for a four-month extension of time (to maintain the pendency of this application), as well as the \$770.00 fee required by 37 C.F.R. § 1.17(e). It is filed on or before its current due date of February 23, 2004.

02/26/2004 JADDO1 00000089 012707 09393590

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Attorney Docket 211-US-NEW
USSN 09/393,590
RCE and Submission dated 2/23/2004
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(February 22, 2004 being a Sunday). A Supplemental Information Disclosure Statement and required fee is also submitted concurrently herewith.

The **Claims** are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 10 of this paper.

An **Appendix** with a copy of a definition from Hawley's Condensed Chemical Dictionary, 12th Edition, is attached to the end of this paper.